

REMARKS

This Response is to the final Office Action dated March 26, 2010. Claims 1 to 63 are pending in this application with Claims 27 to 61 having been previously withdrawn. Claim 1 is amended and new claims 62 and 63 are added. No new matter has been added by the amendments. A request for continued examination (“RCE”) is submitted herewith. Please charge the RCE fee and any other fees that may be required or to credit any overpayment to Deposit Account No. 02-1818.

In the Office Action:

- (i) Claims 1, 2, 4, 8, 9 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,269,708 to Bonomini et al. (“*Bonomini*”) in view of U.S. Patent No. 6,960,322 to Stringer et al. (“*Stringer*”);
- (ii) Claims 3 and 5 to 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bonomini* in view of *Stringer* and further in view of U.S. Patent No. 3,669,880 to Marantz et al. (“*Marantz*”);
- (iii) Claims 10, 11, 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bonomini* in view of *Stringer* and further in view of U.S. Patent No. 4,229,299 to Savitz et al. (“*Savitz*”);
- (iv) Claims 12, 15 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bonomini* in view of *Stringer* and further in view of U.S. Patent No. 4,765,907 to Scott et al. (“*Scott*”);
- (v) Claims 14, 16, 17 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bonomini* in view of *Stringer* and further in view of U.S. Patent No. 5,944,684 to Roberts et al. (“*Roberts*”);
- (vi) Claims 20 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bonomini* in view of *Stringer* and further in view of U.S. Patent No. 5,685,989 to Krivitski et al. (“*Krivitski*”);
- (vii) Claims 22 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bonomini* in view of *Stringer* and further in view of U.S. Publication No. 2005/0102028 to Laroche et al. (“*Laroche*”); and

(viii) Claim 24 is rejected under 35 U.S.C. §103(a) as being unpatentable over *Bonomini* in view of *Stinger* and further in view of U.S. Patent No. 4,267,040 to Schal. (“*Schal*”).

35 U.S.C. 103(a) Rejection

In response to the anticipation rejection of claims 1, 2, 4, 8, 9 and 13, Applicants respectfully submit that *Bonomini* in view of *Stringer and the other applied art of record alone or in combination* fail to disclose or suggest each and every element of the present claims. Currently amended independent claim 1 recites, in part, a system for providing dialysis comprising a patient fluid loop including a first pump, a first patient lumen for providing fluid to the patient, and a second patient lumen for removing fluid from the patient, and a multiple lumen connector for connecting with the first and second patient lumens of the patient fluid loop, the connector configured to be sealed by a removable connector end cap such that the pump can prime the patient fluid loop prior to connecting with the patient. The amendment and new claims do not add new matter and are supported in the specification at, for example, paragraphs [0152] to [0154] and Fig. 2. Such a configuration allows the medical personnel administering the therapy or the patient to prime the patient fluid loop in preparation for therapy without requiring fluid connection to the patient’s implanted catheter. The configuration minimizes patient connection time and chances for complications which could arise during priming while connected to the patient.

By providing a multiple lumen connector, which can also attach directly to the dual lumen catheter implanted in the patient (see new claim 63), pre-connection priming is less complicated and requires fewer steps. Including such a feature in a system with a regeneration unit provides a dialysis system which saves time, lowers cost and waste and increases patient comfort during therapies. For at least these reasons, it is highly desirable to use a regeneration loop to recycle the dialysate while also having the capability to prime the patient loop prior to being connected to the patient without using burdensome adapters, connectors and clamps. It should also be clear that a skilled artisan would find that the configuration of the present claims provides unexpected clinical advantages, economic advantages and quality of life advantages that are not recognized by the prior art.

Bonomini instead discloses a portable hemodialysis apparatus with a patient loop and a fluid regeneration loop. *Bonomini* fails to disclose a multiple lumen catheter connected to the patient loop, which is configured to communicate with the first patient lumen and the second patient lumen of the patient fluid loop, the connector configured to be sealed by a removable connector end cap such that the pump can prime the patient fluid loop prior to connection to the patient. Applicants submit that *Savitz* and the other applied art of record fails to remedy the deficiencies of *Bonomini* since, for example, *Savitz* also fails to disclose or suggest a multiple lumen catheter connected to the patient loop, which is configured to communicate with the first patient lumen and the second patient lumen of the patient fluid loop, the connector configured to be sealed by a removable connector end cap such that the pump can prime the patient fluid loop prior to connection to the patient.

For at least the above-mentioned reasons, it would not have been obvious to one of ordinary skill in the art to modify *Bonomini* with *Savitz* or the other art of record to teach the features of amended claim 1. Claims 2 to 26 and new claims 62 and 63 depend directly or indirectly from claim 1, and are also allowable for at least the same reasons as claim 1, and because of the additional features recited in these claims.

Further, the inability of *Bonomini* in view of *Stringer* to teach Claim 1 renders moot whether or not: (i) *Bonomini*, *Stringer* and *Marantz* additionally teaches dependent Claims 3 and 5 to 7; (ii) *Bonomini*, *Stringer* and *Savitz* teach Claims 11, 18 and 19; (iii) *Bonomini*, *Stringer* and *Scott* teach Claims 12, 15 and 25; (iv) *Bonomini*, *Stringer* and *Roberts* teach Claims 14, 16, 17 and 26; (v) *Bonomini*, *Stringer* and *Krivitski* teach Claims 20 and 21; (vi) *Bonomini*, *Stringer* and *Laroche* teach Claims 22 and 23; and (vii) *Bonomini*, *Stringer* and *Schal* teach Claim 24.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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